



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2102

Introduced 2/22/2011, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

750 ILCS 5/609

from Ch. 40, par. 609

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that when a court has before it a petition for the removal of a child to a location outside of Illinois, the court shall consider the economic cost to the noncustodial parent to visit the child at or to move to the proposed new location outside of Illinois.

LRB097 09402 AJO 49537 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 609 as follows:

6 (750 ILCS 5/609) (from Ch. 40, par. 609)
7 Sec. 609. Leave to Remove Children.)

8 (a) The court may grant leave, before or after judgment, to
9 any party having custody of any minor child or children to
10 remove such child or children from Illinois whenever such
11 approval is in the best interests of such child or children.
12 The court shall consider in making this determination the
13 economic cost to the noncustodial parent to visit the child at
14 the proposed new location or the economic cost to the
15 noncustodial parent of also moving to the proposed new location
16 outside of Illinois. The burden of proving that such removal is
17 in the best interests of such child or children is on the party
18 seeking the removal. When such removal is permitted, the court
19 may require the party removing such child or children from
20 Illinois to give reasonable security guaranteeing the return of
21 such children.

22 (b) Before a minor child is temporarily removed from
23 Illinois, the parent responsible for the removal shall inform

1 the other parent, or the other parent's attorney, of the
2 address and telephone number where the child may be reached
3 during the period of temporary removal, and the date on which
4 the child shall return to Illinois.

5 The State of Illinois retains jurisdiction when the minor
6 child is absent from the State pursuant to this subsection.

7 (c) The court may not use the availability of electronic
8 communication as a factor in support of a removal of a child by
9 the custodial parent from Illinois.

10 (Source: P.A. 96-331, eff. 1-1-10.)